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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,748

08/07/2006

Lucas Leo Desiree Van Der Poel

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

MAKIYA, DAVID J

ART UNIT

PAPER NUMBER

2885

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,748	<b>Applicant(s)</b> VAN DER POEL, LUCAS LEO DESIREE	
	<b>Examiner</b> David J. Makiya	<b>Art Unit</b> 2885	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 2 is objected to because of the following informalities: “*the* housing of the module” lacks proper antecedent basis and will be interpreted as “*a* housing of the module.”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanderschuit (US 2004/0264187).

With respect to claim 1, Vanderschuit teaches a lighting unit comprising a first light element 16 formed as a conventional light source (Paragraph 17), a second light element 10 formed as a plurality of LEDs (18; Paragraph 28) and a lamp cap 20, characterized in that the second light element is formed as a separate LED-module with a fitting 30 and a second lamp cap 32 whereby the first and the second light elements are removably attached via the fitting and the second lamp cap, the fitting and second lamp cap providing electrical and mechanical connection between both light elements (Paragraph 15).

With respect to claim 2, Vanderschuit teaches the lighting unit characterized in that the LED module is provided with a number of protruding elements 18, which are evenly distributed around a housing of the module, and that the protruding elements comprise a plurality of LEDs (Paragraph 28).

With respect to claim 3, Vanderschuit teaches the lighting unit characterized in that the LEDs of the lighting unit are positioned symmetrically relating to the rotational axis defined by the structure of the cap and the fitting of the LED module (Paragraph 31).

With respect to claim 4, Vanderschuit teaches the lighting unit characterized in that the protruding elements can rotate around the rotational axis with respect to the housing (Paragraph 15).

With respect to claim 6, Vanderschuit teaches the lighting unit characterized in that the LED module comprises at least two types of LEDs emitting in operation radiation with a different wavelength, and that the types of LEDs can be activated independently (Paragraph 29).

With respect to claim 7, Vanderschuit teaches the lighting unit characterized in that the first light element can be dimmed (Paragraphs 24, 29).

With respect to claim 8, Vanderschuit teaches the lighting unit characterized in that the second light element can be dimmed (Paragraphs 24, 29).

With respect to claim 9, Vanderschuit teaches the lighting unit characterized in that the dimming can be effected by means of remote control 24.

With respect to claim 10, Vanderschuit teaches the LED module suitable for use in a lighting unit (Figure 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderschuit in view of Brittell (US Patent 5,749,646).

With respect to claim 5, Vanderschuit teaches the lighting unit as described above.

However, Vanderschuit fails to the lighting unit characterized in that the housing comprises diffuser elements.

Brittell teaches a lighting unit comprising a first light element 96b formed as a conventional light source (Column 4, Lines 8-17), a second light element 96a formed as a plurality of LEDs (Column 4, Lines 8-17) and a lamp cap 78, characterized in the second light a fitting 96, a plurality of symmetric LEDs (Figure 19) and wherein the lighting unit characterized in that the housing comprises diffuser elements (46; Column 6, Lines 40-50).

It would have been obvious and advantageous to one of ordinary skill in the art at the time of the invention to modify and reconstruct the lighting unit of Vanderschuit by adding the diffuser from the teachings of Brittel because a diffuser “conceal the view of the flashing colored bulbs behind it and diffuses the resultant light creating a monochromatic color changing to another monochromatic color” (Brittel; Column 6, Lines 40-50).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Currie et al. (US 2005/0135107), Wang (US Patent 4,783,726) and Lee (US Patent 5,121,287) teach lighting units with first and second lighting elements that are removably attached.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DJM/  
05/18/2008

/Y M. Lee/  
Primary Examiner, Art Unit 2885